

Message Text

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ACTION L-03

INFO OCT-01 EA-07 ISO-00 SS-15 CIAE-00 INR-07 NSAE-00 PA-01

PRS-01 H-01 NSC-05 SP-02 /043 W

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FM AMEMBASSY MANILA

TO SECSTATE WASHDC 6831

INFO USIA WASHDC

DEPARTMENT JUSTICE WASHDC

CONFIDENTIAL MANILA 3385

EO 11652: GDS 12/31/83

TAGS: PFOR, PH

SUBJ: PROPOSED INVOCATION FARA ON DPI, NY OFFICE

REF: MANILA 3206, STATE 048838

1. OUR SECOND READING OF LAW IN LIGHT CLARIFICATION CONTAINED
REFTEL IS THAT DPI OFFICES MUST REGISTER BECAUSE (1) OFFICES
NOT SITUATED IN CONSULATE AND (2) DPI OFFICERS HAVE OFFICIAL,
NOT CONSULAR OR DIPLOMATIC, STATUS.

2. IF LAW MUST BE ENFORCED, LEAST AWKWARD ALTERNATIVE WOULD
APPEAR BE ASK FOR FORMAL REGISTRY AND SUBSEQUENTLY HAVE
ATTORNEY GENERAL PROVIDE EXEMPTION ON REPORTING REQUIREMENTS
UNDER SECTION 612(F)(2) OF FARA.

3. REGRET WE CANNOT BE AS SANGUINE AS DEPARTMENT APPEARS
ON ISSUE RECIPROCITY. GOP UNDER MARTIAL LAW DOES NOT NEED
PASS LEGISLATION; REQUIREMENT COULD BE CREATED BY PRESIDENTIAL
DECREE OR SIMPLY BY DEPARTMENTAL REGULATIONS. CERTAIN ELEMENTS
IN DFA IN PARTICULAR WOULD LIKE TO DECORATE US WITH THIS
ALBATROSS AND WOULD BE HARD STOP WITH TEMPERS RUNNING HIGH
BECAUSE OF THIS AND OTHER REAL AND IMAGINED AFFRONT SUCH AS
TREATMENT PAL CARGO REQUEST, "DISCRIMINATION" AGAINST PHILIPPINE
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EXPORT PRODUCTS, BASE JURISDICTION ISSUES, NURSES' TRIAL, ETC.

4. BELIEVE IT UNNECESSARY REMIND DEPARTMENT THAT REGISTRY
REQUIREMENTS FOR USIA'S REGIONAL SERVICE CENTER SUCH AS THAT
CONTAINED IN FARA WOULD RESULT IN INTOLERABLE DELAYS FOR
HUNDREDS OF PUBLICATIONS DESTINED FOR ALL PARTS OF WORLD (SAVE
ARA) AS WELL AS PROMINENT IDENTIFICATION OF SOURCE AND POSSIBLE

LABELING AS POLITICAL PROPAGANDA. MOREOVER SHEER VOLUME OF OUR REPORTING TO GOP PLUS PROBABLE REPRESENTATIONS TO GOP FROM THIRD WORLD AND SOCIALIST COUNTRIES WOULD CERTAINLY CAUSE GOP TO TAKE SECOND LOOK AT PRESENCE OF RSC AS INIMICAL TO THEIR ASPIRATIONS TO BECOME ACCEPTED INTO THIRD WORLD COUNCILS. IT IS ONLY SHORT STEP FROM THERE TO REACHING SAME CONCLUSION AS TO PRESENCE OF VOA STATIONS BROADCASTING TO ASIA AND SOUTH ASIA. BY SAME TOKEN, USIS BRANCHES AT CEBU AND DAVAO, PHYSICALLY SEPARATE FROM CONSULATE, AND THOMAS JEFFERSON CULTURAL CENTER IN MANILA, SOME SIX MILES FROM EMBASSY, MIGHT BE ADVERSELY AFFECTED IF COLOCATION RULE ADOPTED HERE AS BASIS DECISION WHETHER INFORMATION ACTIVITIES ARE PART OF DIPLOMATIC OR CONSULAR ESTABLISHMENT. ALL THREE AMERICAN OFFICERS WOULD APPEAR TO BE EXEMPT INSOFAR AS THEIR PERSONAL DIPLOMATIC OR CONSULAR STATUS IS CONCERNED.

5. MISSION FINDS IT DIFFICULT UNDERSTAND WHY WE INSIST ON TRIPPING OVER OUR OWN SHIRTTAILS BY ENFORCING ON OUR FRIENDS AN ONEROUS AND ANACHRONISTIC LAW DESIGNED TO MAKE LIFE DIFFICULT FOR OUR ADVERSARIES.

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